



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

195388



July 3, 2001

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Johnnie Jones
Assistant Director
Newark Department of Economic
and Housing Development
Newark City Hall
920 Broad Street, Room 421
Newark, NJ 07102

Re: Riverside Avenue Site, 29 Riverside Avenue, Newark, Essex County, NJ

Dear Mr. Jones:

I am the attorney at the U.S. Environmental Protection Agency, Region II, responsible for legal issues related to the removal action conducted by EPA at 29 Riverside Avenue, Newark, New Jersey (the "Site"). I write to request your assistance with respect to that Site, both in developing information with regard to the hazardous substances abandoned at the Site, and in reimbursing costs incurred by EPA in removing and disposing of those hazardous substances.

The Site is a small commercial complex comprised of a number of parcels, developed with commercial/industrial buildings and surrounded by a gated fence. In November 1999, the New Jersey Department of Environmental Protection ("NJDEP") discovered a trailer at the Site containing approximately 160 containers of hazardous substances and other industrial waste materials. NJDEP alerted the New Jersey Division of Criminal Justice, which began an investigation to determine ownership of the trailer and hazardous substances. In December 1999, NJDEP referred the matter to EPA, and in December 1999 and January 2000, EPA performed a removal action at the Site, to address the hazardous substances. The costs incurred by EPA are expected to be approximately \$80,000 to \$90,000.

In 2000-2001, both New Jersey and EPA continued their investigations in an attempt to determine which, if any, of the companies operating at the Site might be responsible for the waste materials removed by EPA. To date, we have not reached a definitive determination. However, we have been told by a number of sources that the trailer had been at the Site in the same location for a number of years, perhaps as many as ten.

The trailer was located on a parcel that has been identified as block 614, lot 58, on the tax map for the City of Newark. Our research shows that this lot has been owned by Newark since 1989, when Newark took title by means of a sale of a tax lien. We presume that, the hazardous

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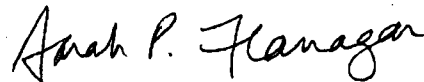
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Mr. Johnnie Jones
July 3, 2001
Page 2

materials having been removed by EPA, Newark will seek to transfer the parcel to private ownership. When that occurs, EPA suggests that it would be appropriate for the federal government share in the proceeds of sale as a means of replenishing the Hazardous Substances Trust Fund. As you may know, EPA and Newark, on at least one past occasion, have reached this sort of agreement as a means of reimbursing EPA's costs, which assists EPA in helping to protect human health and the environment. In turn, EPA's actions add value to otherwise underutilized real property throughout New Jersey, including in Newark and other municipalities.

I have been unable to reach you by telephone but would very much like to discuss the above with you, at your earliest convenience. My telephone number is 212-637-3136. Alternately, you may prefer to contact me through the Corporation Counsel's office. In either case, I look forward to hearing from you.

Sincerely,

A handwritten signature in cursive script that reads "Sarah P. Flanagan".

Sarah P. Flanagan
Assistant Regional Counsel

cc: City of Newark Corporation Counsel

Mr. Johnnie Jones

July 3, 2001

Page 3

bcc: M. Ferriola, USEPA ✓